

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

COREY THOMPSON,

Defendants.

2:10-CR-00325-PMP-RJJ

ORDER

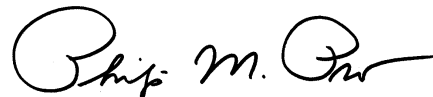
Before the Court for consideration is Defendant Thompson's fully briefed Motion to Suppress Suggestive Pretrial Identification (Doc. #92) filed May 16, 2012.

It is clear from the Response filed June 15, 2012 on behalf of the Government (Doc. #105) that the two witnesses, T. M. and R. M. who viewed the photographic arrays of individuals and identified the Defendant, already knew Defendant Thompson and that the photographic lineup could not have impermissibly influenced their identification of Defendant Thompson at the scene of the crime alleged. As a result, the Court concurs with the Government's argument that there is no basis to suppress identification of Defendant Thompson by witnesses T. M. and R. M. The Court also agrees with counsel for Defendant Thompson that the conduct of the photographic lineup is irrelevant, and that the fact that such a photo lineup was conducted for witnesses T. M. and R. M. should not be admitted during the Government's case in chief at trial.

1 **IT IS THEREFORE ORDERED** that Defendant Motion to Suppress
2 Suggestive Pretrial Identification (Doc. #92) is **DENIED**.

3 **IT IS FURTHER ORDERED** that unless otherwise ordered by the Court,
4 neither Party to this action shall offer evidence or argument relating to the conduct
5 of the photographic lineup, and that counsel for Plaintiff United States shall advise
6 witnesses T. M. and R. M. not to do so during their testimony at trial.

7 DATED: June 21, 2012.

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10 PHILIP M. PRO
11 United States District Judge
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